



# Senate

General Assembly

**File No. 250**

January Session, 2015

Substitute Senate Bill No. 428

*Senate, March 26, 2015*

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT PROTECTING INTERNS FROM WORKPLACE HARASSMENT AND DISCRIMINATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
2 section:

3 (1) "Employee" means any individual engaged in service to an  
4 employer in a business of such employer and receives compensation  
5 for such service;

6 (2) "Employer" means any person engaged in business in the state,  
7 who provides a position for an intern;

8 (3) "Intern" means a person who performs work for an employer for  
9 the purpose of training, provided (A) the employer is not committed to  
10 hire the person performing the work at the conclusion of the training  
11 period; (B) the employer and the person performing the work agree  
12 that the person performing the work is not entitled to wages for the

13 work performed; and (C) the work performed (i) supplements training  
14 given in an educational environment that may enhance the  
15 employability of the person, (ii) provides experience for the benefit of  
16 the person, (iii) does not displace any employee of the employer, (iv) is  
17 performed under the supervision of the employer or an employee of  
18 the employer, and (v) provides no immediate advantage to the  
19 employer providing the training and may occasionally impede the  
20 operations of the employer; and

21 (4) "Sexual harassment" means any unwelcome sexual advances,  
22 requests for sexual favors or any other conduct of a sexual nature  
23 when (A) submission to such conduct is made either explicitly or  
24 implicitly a term or condition of an intern's internship; (B) submission  
25 to or rejection of such conduct by an intern or a person seeking an  
26 internship is used as the basis for workplace decisions affecting such  
27 intern or person; or (C) such conduct has the purpose or effect of  
28 substantially interfering with an intern's work performance or creating  
29 an intimidating, hostile or offensive working environment.

30 (b) No employer or agent of an employer shall:

31 (1) (A) Refuse to hire any person seeking an internship or allow any  
32 intern to work; (B) bar or discharge any intern from providing  
33 internship services; or (C) discriminate against such intern in terms,  
34 conditions or privileges of service to the employer, because of the  
35 intern's race, color, religious creed, age, sex, gender identity or  
36 expression, sexual orientation, marital status, national origin, ancestry,  
37 present or past history of mental disability, intellectual disability,  
38 learning disability or physical disability, including, but not limited to,  
39 blindness;

40 (2) Advertise any internship opportunity in a manner that would  
41 (A) restrict such internship to; or (B) discriminate against, persons of a  
42 certain race, color, religious creed, age, sex, gender identity or  
43 expression, sexual orientation, marital status, national origin, ancestry,  
44 present or past history of mental disability, intellectual disability,  
45 learning disability or physical disability, including, but not limited to,

46 blindness;

47 (3) Discharge, expel or otherwise discriminate against an intern  
 48 because such intern has opposed any discriminatory employment  
 49 practice or because such intern has filed a complaint or testified or  
 50 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84 of the  
 51 general statutes; or

52 (4) Engage in any sexual harassment toward any intern or person  
 53 seeking an internship.

54 (c) The provisions of subdivisions (1) and (2) of subsection (b) of this  
 55 section shall not apply in the case of a bona fide occupational  
 56 qualification or need.

57 Sec. 2. Subdivision (8) of section 46a-51 of the general statutes is  
 58 repealed and the following is substituted in lieu thereof (*Effective*  
 59 *October 1, 2015*):

60 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-  
 61 60a, 4a-60g, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-  
 62 68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of  
 63 section 46a-80 or sections 46a-81b to 46a-81o, inclusive, or section 1 of  
 64 this act;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	46a-51(8)

**LAB**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which prohibits an employer from discriminating against or sexually harassing unpaid interns, does not result in any fiscal impact to the state or municipalities.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 428*****AN ACT PROTECTING INTERNS FROM WORKPLACE HARASSMENT AND DISCRIMINATION.*****SUMMARY:**

This bill prohibits an employer from discriminating against or sexually harassing interns, thus giving interns protections similar to those of paid employees.

It defines an “intern” as a person working for an employer who (1) does not pay and has not committed to hiring him or her and is not paid by the employer, (2) who the employer has not committed to hiring, and (3) where the internship designed the internship to supplement training that may enhance the intern's employability. The bill defines an “employer” as any person engaged in business in the state, who provides a position for an intern (presumably this does not include the state and its municipalities).

The bill makes a violation of its provisions a “discriminatory practice” under state human rights law, which means one may file complaints of alleged violation with the Commission on Human Rights and Opportunities and pursue civil action in Superior Court.

EFFECTIVE DATE: October 1, 2015

**DISCRIMINATION AND RETRIBUTION**

The bill prohibits discrimination based on an intern's race, color, religious creed, age, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, including, but not limited to, blindness. The bill's prohibition covers hiring, firing, and advertising internships. The bill

also notes that they do not apply in the case of bona fide occupational qualifications or need. (This provision reflects existing anti-discrimination law.)

The bill also bans an employer from firing or taking other discriminatory steps against an intern for filing a complaint or testifying in a proceeding about a discrimination complaint.

### **SEXUAL HARASSMENT**

The bill bans sexual harassment of interns and anyone seeking an internship.

It defines “harassment” as any unwanted sexual advances or any other conduct of a sexual nature when:

1. submission to the conduct is made a condition of the internship;
2. submission to or rejection of the conduct by an intern or internship applicant is the basis for workplace decisions affecting the intern; or
3. the conduct substantially interferes with an intern's work performance or creates an intimidating, hostile, or offensive working environment.

### **CONDITIONS OF INTERN WORK**

In addition to (1) the employer not committing to hiring the intern and (2) both parties agreeing that the intern will not be paid for his or her work, the bill names other conditions of an intern’s working situation. The intern’s work must:

1. supplement training given in an educational environment that may enhance the intern’s employability,
2. provide experience for the intern’s benefit,
3. not displace any of the employer’s employees,
4. be performed under the employer’s supervision or that of an

employee of the employer, and

5. provide no immediate advantage to the employer providing the training and may occasionally impede the employer's operations.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/12/2015)